IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

-

WRIT APPEAL No.2008 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18/11/2004 in WPMP No.19372 of 2004 in W.P.No.14976 of 2004 on the file of the High Court.)

Between:

M/s. Goldstone Tele Services Limited,

9-1-83 & 84, Amarchand Sharma Complex,
Sarojini Devi Road,
Secunderabad, rep. by its General Manager And Authorised Signatory, P.V.S. Sarma,
S/o. (Late) Venkateswarlu, aged about 61 years,
R/o. Hyderabad.

..... APPELLANT

AND

1. M/s. Bharat Sanchar Nigam Limited
(A Government of India Enterprise),
rep. by its Chairman and Managing Director,
Statesman House, 148, Barakamabha Road, New Delhi.

2. Chief General Manager,
M/s. Bharat Sanchar Nigam Limited

(A Government of India Enterprise),
Statesman House, 148, Barakamabha Road,
New Delhi.

.....RESPONDENTS

Counsel for the Appellant : Sri V.VENKATARAMANA

Counsel for the Respondents : Sri KANTHI NARAHARI

The Court made the following :

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

Order dismissing W.P.M.P.No.19372 of 2004 in Writ Petition No.14976 of 2004 is under challenge in this appeal by the writ petitioner. Rule nisi was issued on 29th October, 2004 and notice in WPMP was also issued and adjourned to

16th November, 2004, but on the adjourned date, without there being any counter-affidavit, learned single Judge proceeded to dismiss WPMP, which, in our view, ought not to have been done. The very purpose of issuing notice in WPMP is to obtain a reply from respondents and then to decide WPMP. Learned counsel for respondents sought time for filing affidavit in reply, which was granted. In that view of the matter, order dismissing the WPMP without taking version of respondents on record is bad in law.

Writ Appeal is accordingly allowed and impugned order is set aside with direction that W.P.M.P.No.19372 of 2004 in W.P.No.14976 of 2004 will be decided afresh in accordance with law, after counter-affidavit is filed by respondents. Learned standing counsel for respondents states that counter-affidavit will be filed within two weeks. Accordingly, WPMP will be posted before learned single Judge after two weeks.

DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J.

21-12-2004

bsc

.....REGISTRAR

To

1. M/s. Bharat Sanchar Nigam Limited
(A Government of India Enterprise),
rep. by its Chairman and Managing Director,
Statesman House, 148, Barakamabha Road, New Delhi.

2. Chief General Manager,
M/s. Bharat Sanchar Nigam Limited
(A Government of India Enterprise),
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